

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**May 09, 2024**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

JOEL L.,<sup>1</sup>

Plaintiff,

v.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:23-CV-03186-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 9, 13**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 13, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Frederick Fripps represents Defendant.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 13**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the  
4 Commissioner of Social Security for further administrative proceeding pursuant to  
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Offer Plaintiff the opportunity for a new hearing and accept any newly  
9 submitted evidence;
- 10 • Take any necessary actions to complete the administrative record and  
11 the sequential evaluation;
- 12 • Obtain vocational expert testimony from a qualified vocational expert  
13 to clarify the effect of the assessed limitations on Plaintiff's ability to  
14 perform his past relevant work or other work available in significant  
15 numbers in the national economy;
- 16 • Resolve any conflicts that exist between the DOT and the vocational  
17 expert's testimony; and
- 18 • Issue a new decision.

19 *See* ECF No. 13 at 1-2.

20 3. Judgment shall be entered for **PLAINTIFF**.

1 4. Plaintiff's Motion for Summary Judgment, **ECF No. 9**, is **STRICKEN**  
2 **AS MOOT.**

3 5. Upon proper presentation, this Court will consider Plaintiff's application  
4 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

5 The District Court Executive is directed to enter this Order, **enter**  
6 **Judgment**, forward copies to counsel, and **CLOSE THE FILE.**

7 DATED May 9, 2024.

8 s/Mary K. Dimke  
9 MARY K. DIMKE  
10 UNITED STATES DISTRICT JUDGE  
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